

Town of Norwich, Vermont

SUBDIVISION REGULATIONS

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Norwich Subdivision Regulations

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ARTICLE 1. AUTHORITY AND PURPOSE

SECTION 1.1 ENACTMENT AND AUTHORITY

(A) In accordance with the Vermont Municipal and Regional Planning and Development Act [24 V.S.A., Chapter 117, §4401 and §4413 through §4421], hereinafter referred to as “the Act,” as most recently amended, there are hereby established subdivision regulations for the Town of Norwich, Vermont. These regulations shall be known and cited as the “Norwich Subdivision Regulations.”

(B) It is the policy of the Town of Norwich to regulate all subdivision of land, and subsequent development of the subdivided plat, in accordance with these regulations, to ensure the orderly planned, efficient and economical development of the Town. No subdivision of land shall be made and no land in any proposed subdivision shall be sold, transferred or leased until a final plat prepared in accordance with these regulations has been approved by the Planning Commission.

SECTION 1.2 PURPOSE

(A) These regulations are adopted to further the following objectives:

- (1) To guide future development in accordance with the Norwich Town Plan, zoning bylaw, capital budget and program, and all other bylaws and regulations enacted to implement the Plan, in a manner which maintains and strengthens the traditional settlement pattern of compact villages surrounded by an open, rural landscape.
- (2) To encourage the development of affordable housing and promote economic diversity in Norwich.
- (3) To ensure that land to be subdivided is of such character that it can be used safely for its intended purposes.
- (4) To establish criteria for determining development capacity of land and to regulate the density and location of development in a manner that reflects traditional settlement patterns.
- (5) To protect and provide for the public health, safety, and general welfare of the Town of Norwich.
- (6) To promote the conservation of energy or to permit the utilization of renewable energy resources.
- (7) To ensure that the rate of growth does not exceed the ability of the Town to provide public services and facilities, and that those public facilities and services which are available and will have sufficient capacity to serve any proposed subdivision.
- (8) To preserve natural areas, critical habitat, scenic and historic resources and productive farmland through the proper configuration of parcel boundaries and arrangement and location of development on parcels.
- (9) To provide the most efficient relationship between land use and the circulation of traffic throughout the Town; and to avoid undue traffic congestion and overburdening of roads, highways and intersections.

Subdivision: The division of a lot, tract or parcel of land into two or more lots, tracts, sites, or other divisions of land for the purpose, whether immediate or future, of sale or land development. It includes resubdivision and the division of a lot or parcel held in common ownership and subsequently divided into parts among the owners.

- (10) To prevent the pollution of air, streams and ponds; to ensure the adequacy of drainage facilities; to safeguard ground and surface waters; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (11) To minimize the fragmentation of productive resource lands, including farm and forest land, to ensure its continued use and availability for agriculture, forestry and wildlife habitat.
- (12) To further the purposes contained in the Act, and in particular those purposes set forth in Section 4302.

SECTION 1.3 ADOPTION & AMENDMENT

(A) These regulations shall take effect 21 days after being adopted by a majority of the members of the Norwich Selectboard at a meeting which is held after the final public hearing, in accordance with the procedures set forth in the Act [§4404].

(B) Amendments to these regulations shall be enacted in accordance with the provisions of the Act [§§4403, 4404].

SECTION 1.4 SEVERABILITY

If any provision of these regulations or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect or invalidate other provisions or applications.

Article 2. Subdivision Application Procedures

SECTION 2.1 APPLICABILITY

(A) **Subdivision Approval Required.** Whenever any subdivision of land is proposed, the landowner or authorized agent (applicant) shall apply for and secure approval of such proposed subdivision in accordance with the procedures set forth in these regulations prior to:

- commencing any construction, land development or land clearing (excluding forestry or agricultural activities);
- the sale or lease of any subdivided portion of a property (excluding parcels leased for agricultural purposes, where all resulting parcels are at least 5 acres in size, and no new roads are created for uses other than accepted agricultural practices);
- the filing of a subdivision plat with the Town Clerk.

(B) **Minor and Major Subdivisions.** For the purposes of these regulations, subdivisions shall be classified by the Planning Commission as minor subdivisions or major subdivisions, as defined herein, following the Commission's approval of a Preliminary Plan Review submitted in accordance with Section 2.3

Minor Subdivision shall, unless otherwise determined by the Planning Commission in accordance with Section 2.3, include lot line or boundary adjustments; amendments to an approved subdivision plan that will not substantially change the nature of any previous subdivision or conditions of approval; or the division of any parcel into not more than 3 lots over a 5 year period.

Major subdivisions shall, unless otherwise determined by the Planning Commission in accordance with Section 2.3, include the division of any parcel into 4 or more lots over a 5 year period; or a planned unit or planned residential development that meets the definition of a subdivision.

(C) Coordination with Other Regulations

- (1) **Determination of Allowable Density.** Maximum allowable development density shall be determined for all proposed subdivisions of land located in the Rural Residential District in accordance with the standards set forth in the Norwich Zoning Regulations and the standards and procedures set forth in Section 3.2(B) of these regulations.
- (2) **Planned Unit or Planned Residential Development Review.** Subdivision applications for Planned Unit or Planned Residential Developments (PUDs and PRDs) shall be reviewed as major subdivisions under this Article. PUDs and PRDs shall meet the standards set forth in Section 12 of the Norwich Zoning Regulations, as well as subdivision standards included in Article 3 of these regulations, unless otherwise waived by the Planning Commission.

(D) **Waiver Authority.** In accordance with the Act [§4413(b)], the Planning Commission may waive, subject to appropriate conditions: either (i) application requirements set out in Table 2.2, preliminary plat review and associated public hearing requirements; or (ii) development review standards set forth in Article III.

In the case of (i), the applicant shall identify the specific requirements for which the waiver is requested and state those that are not applicable and why they are not applicable and what the basis is for the requested waiver.

In the case of (ii), the applicant shall be required to establish that due to the special circumstances of a particular site, the requirements of the development review standards for which waiver is sought will create an unreasonable hardship or adversely affect significant natural resources, rural character, or aesthetics and that granting the waiver will be consistent with the purposes of these regulations.

The request for a waiver shall be submitted in writing by the applicant with the subdivision application, and it shall be the responsibility of the applicant to provide sufficient information to justify the waiver and to enable the Planning Commission to make the findings cited below and make a decision. The Planning Commission may grant or deny waivers, in whole or in part. In granting waivers, the Planning Commission shall require such conditions, as will in its judgment secure substantially the objectives of the provisions that are the subject of the waiver. Before granting a waiver to the development review standards set forth in Article III, the Planning Commission shall make the following findings including the rationale for each finding:

- That the development review standards for which the waiver is sought will create an unreasonable hardship or adversely affect significant natural resources, rural character, or aesthetics, and
- That granting the waiver will be consistent with the purposes of these regulations, and
- That, in consultation with the fire and police chiefs, granting the waiver will not adversely affect public safety, and
- That granting the waiver will not adversely affect the character of the neighborhood.

(E) Boundary Line Adjustment Reviews.

- (1) Boundary line adjustments shall be reviewed under the same criteria and process as a minor subdivision unless if, after review of the preliminary plan, the Planning Commission determines that the proposed adjustment:
 - a. is a minor realignment;
 - b. does not change substantially the nature of any previously approved subdivision;
 - c. does not result in the creation of any new lots;
 - d. will not impair access to any parcel;
 - e. will not impact adversely any significant natural resource or result in fragmentation of agricultural or conservation lands; and
 - f. will not create a nonconforming lot.
- (2) A public hearing is not required in connection with a preliminary plan review of a proposed boundary line adjustment. If the Planning Commission, at a regular meeting, determines that the proposed boundary line adjustment meets the criteria in Section 2.1(E)(1), it shall authorize the Zoning Administrator to approve the filing with the Town of a final plat for recording in substantially the same manner as final plats for approved subdivisions under Section 2.7(E). In those instances where the Planning Commission determines that the proposed boundary line adjustment does not meet the above criteria, it also may issue, if requested by the applicant, the findings supporting the determination.

Table 2.1
Norwich Subdivision Regulations
Subdivision Review Process Outline

| <u>Preliminary Plan Review & Density Determination :</u> | |
|---|--|
| (1) Submission of preliminary plan | Applicant; at least 16 days prior to a regularly scheduled Planning Commission meeting |
| (2) Planning Commission meeting | Applicant attendance required |
| (3) Determination of maximum allowable density pursuant to Section 3.2 | Planning Commission; within 30 days of determining that the preliminary plan is complete |
| (4) Classification of subdivision as minor or major; written preliminary plan determination & design changes | Planning Commission; within 30 days of determining that the preliminary plan is complete |
| <u>Minor Subdivision [3 or fewer lots]:</u> | |
| (1) Submission of final subdivision plan, including any waiver requests; compliance with design changes set forth in preliminary plan approval; resource protection strategies in accordance with Section 3.3; utility and facility design; proposed plat and supporting documentation | Applicant; within 6 months of the date of preliminary plan determination |
| (2) Planning Commission public hearing | Planning Commission; within 30 days of receipt of the final subdivision plan |
| (3) Subdivision/plat decision | Planning Commission; within 45 days of the hearing adjournment date |
| (4) Final plat recording in the town records | Applicant; within 90 days of the date of subdivision approval |
| (5) Certificate of Compliance (if required) | Zoning Administrator; upon completion of improvements |
| <u>Major Subdivision [other than minor]:</u> | |
| (1) Submission of intermediate subdivision plan including any waiver requests; compliance with design changes set forth in preliminary plan approval; documentation of density determination; preliminary utility and facility design and impact assessments, if required; and other supporting documentation | Applicant; within 6 months of the date of preliminary plan determination |
| (2) Planning Commission public hearing | Planning Commission; within 30 days of receipt of the intermediate subdivision plan |
| (3) Intermediate subdivision/plat decision | Planning Commission; within 45 days of the hearing adjournment date |
| (4) Submission of final subdivision plan, including final utility and facility design and measures to mitigate identified impacts; other supporting documentation | Applicant; within 6 months of the date of intermediate plan approval |

| | |
|--|--|
| (5) Final Planning Commission public hearing | Planning Commission; within 30 days of receipt of the final subdivision plan |
| (6) Final subdivision/plat decision | Planning Commission; within 45 days of the hearing adjournment date. |
| (7) Final plat recording | Applicant; within 90 days of the date of final subdivision and plat approval |
| (8) Certificate of Compliance (if required) | Zoning Administrator; Upon completion of improvements |

SECTION 2.2 PRE-APPLICATION MEETING [AVAILABLE TO ALL POTENTIAL APPLICANTS]

(A) **Applicability.** Any person contemplating submitting an application for subdivision in accordance with these regulations is encouraged to meet with the Planning Commission to discuss preliminary conceptual plans, the subdivision review process, and to review the standards set forth in Article 3. The pre-application meeting is intended to be an informal, preliminary discussion. As such, a person seeking a pre-application meeting will be placed on a duly posted agenda of the first available regularly scheduled meeting of the Commission.

(B) **Information.** The applicant may present any information that he or she deems appropriate at the pre-application meeting, including site information and/or conceptual subdivision design.

(C) **Action of the Planning Commission.** The Planning Commission will not take formal action of any kind at the pre-application meeting. Commissioners may provide guidance as to the application and review process, and/or comment on the intent of specific planning and design standards relative to the potential subdivision of the applicant's parcel(s). No comments made at the pre-application meeting will be binding upon any future review of a subdivision application.

(D) **Meeting with Planning and Zoning Staff.** As an alternative, or in addition, to a pre-application meeting with the Planning Commission, all applicants are encouraged to meet with Norwich planning and zoning staff prior to preparing an application for subdivision approval (preliminary plan, intermediate plan or final plan) to receive guidance regarding the application and review process and the subdivision standards in effect.

(E) **Notification of Abutters.** All applicants for subdivision review are encouraged to notify abutting landowners and other potentially interested persons prior to submitting an application to ensure that legitimate concerns of neighbors are addressed early in the subdivision design process. Notification of abutters will be required as part of the formal review process.

SECTION 2.3 PRELIMINARY PLAN REVIEW [APPLYING TO ALL APPLICATIONS FOR SUBDIVISION]

(A) **Applicability.** All applicants for subdivision approval or boundary line adjustment review are required to submit a preliminary plan for Planning Commission Review, except for the following instances which are exempted from the preliminary plan review process.

- (1) Applicants for minor subdivision approval in which the total density of the proposed subdivision does not exceed one unit per every 20 acres. Such applicants are encouraged to schedule a pre-application meeting in accordance with Section 2.2, and may submit an application for final plat review in accordance with Section 2.5.

- (2) Applicants for major subdivision approval in which the total density of the proposed subdivision does not exceed one unit per every 20 acres. Such applicants are encouraged to schedule a pre-application meeting in accordance with Section 2.2, and may submit an application for intermediate plan review in accordance with Section 2.4.

(B) **Application Requirements.** The applicant shall submit to the Zoning Administrator, at least 15 days prior to a regularly scheduled Planning Commission meeting, a subdivision application and associated fee. The application shall include a proposed sketch and associated materials plan that include the information for Preliminary Plan Review and Density Determination specified in Table 2.2.

(C) **Initial Meeting.** The applicant and/or an authorized representative shall attend an initial meeting with the Planning Commission, to be held at a regularly scheduled meeting of the Commission, to discuss the subdivision application and proposed preliminary plan. Prior to the initial meeting, Norwich planning and zoning staff shall notify the owners of contiguous properties in accordance with Section 4.3. The Commission may request any additional information as needed to act on the preliminary plan and/or density determination.

(D) **Action on Preliminary Plan** Within 30 days of finding that an application is complete, the Planning Commission, based on the information provided, shall issue in writing:

- (1) a preliminary determination of the maximum allowable density in accordance with the standards and procedures set forth in Section 3.2;
- (2) a determination of whether the subdivision is a minor subdivision to be reviewed under Section 2.5, or major subdivision to be reviewed under Sections 2.4 and 2.5;
- (3) the granting or denial of requested waiver provisions;
- (4) a preliminary determination of whether or not the proposed subdivision plan generally conforms to applicable subdivision review standards under Article 3, and with other municipal regulations currently in effect;
- (5) recommendations for proposed changes in subsequent submissions, including any requests for additional studies or supporting documentation.

(E) **Effect of Preliminary Plan Determinations.** Planning Commission determinations and associated recommendations shall remain in effect for 6 months from the date of issuance, unless otherwise approved or extended in the written determinations issued by the Planning Commission. Within 6 months of the determination by the Planning Commission, the applicant may apply to the Planning Commission for intermediate plan review under Section 2.4 for major subdivisions and final plan and plat approval under Section 2.5 for minor subdivisions.

SECTION 2.4 INTERMEDIATE PLAN REVIEW [APPLYING ONLY TO MAJOR SUBDIVISIONS]

(A) **Application Requirements.** Within 6 months of the date of action on a preliminary plan by the Planning Commission, the applicant shall submit an application and associated fees for intermediate plan review to include, unless otherwise specified or waived by the Commission under Section 2.1(D), the information required for intermediate plan review as specified in Table 2.2.

(B) **Public Hearing.** Within 30 days of deeming the intermediate plan application complete, the Planning Commission shall hold a public hearing on the intermediate plan, warned in accordance with Section 4.3.

(C) **Intermediate Plan Approval.** Within 45 days of the date of adjournment of the public hearing, the Planning Commission shall approve, approve with modifications, or disapprove the intermediate plan and associated plat based on a determination of whether or not the intermediate plan conforms to applicable subdivision review standards under Article 3, or would be in conflict with the Town Plan and other municipal regulations in effect. The Planning Commission may also require, as a condition of approval, the submission of proposed changes or modifications resulting from further study. Approval, conditions of approval, or grounds for disapproval shall be set forth in a written notice of decision. The approval of an intermediate plan shall be effective for a period of 6 months from the date of written notice of approval, unless otherwise approved or extended by the Planning Commission in the written notice of decision.

(D) **Phasing.** At the time that the Planning Commission grants intermediate plan approval it may require the plat to be divided into two or more phases to ensure project conformity with the Town Plan and capital budget and program currently in effect. Conditions may be imposed upon the filing of application for final plat approval for each phase as the Commission deems necessary to ensure the orderly development of the plat and to avoid overburdening town facilities and services.

(E) **Effect of Intermediate Plan Approval.** Approval of the intermediate plan and associated plat shall not constitute approval of the final subdivision plan and plat. Subsequent to the approval of the intermediate plan, the Planning Commission may require the submission of all applicable approvals from local agencies having jurisdiction over the project, such as the Selectboard or Health Officer, and such state and federal agencies as may be required by law. Upon receipt of evidence of approval of the intermediate plan by said agencies, if required, and the expiration of all relevant appeal periods, the applicant may apply to the Planning Commission for final plan approval under Section 2.5.

SECTION 2.5 FINAL PLAN APPROVAL [applying to all applications for subdivision]

(A) **Application Requirements.** Within 6 months of the date of preliminary plan determination for minor subdivisions, or intermediate plan decision for major subdivisions, unless otherwise waived by the Planning Commission, the applicant shall submit an application for final subdivision plan approval, including plat approval. If the applicant fails to do so, s/he will be required to resubmit for minor subdivisions a new preliminary plan, or for major subdivisions a new intermediate plan, for approval subject to any new zoning and subdivision regulations. The application for final subdivision plan and plat approval shall include associated fees and, unless otherwise specified or waived by the Planning Commission under 2.1(D), four copies of the information for final plan and plat review specified under Table 2.2.

(B) **Public Hearing.** In accordance with the Act [§4414], within 30 days of the date that the Planning

Commission deems that a final plan application is complete, the Commission shall hold a public hearing on the final plan and associated plat, warned in accordance with Section 4.3. Copies of the hearing notice shall also be sent, at least 15 days prior to the hearing date, to the regional planning commission, and to the clerk of an adjacent municipality in the case of a plat located within 500 feet of a municipal boundary.

(C) **Final Plan Approval.** In accordance with the Act [§4415], within 45 days of the date of adjournment of the public hearing, the Planning Commission shall approve, approve with conditions, or disapprove the final subdivision plan, based on a determination of whether or not the plan and associated plat conform to subdivision review standards under Article 3, or would be in conflict with the Town Plan and other municipal regulations in effect. Failure to act within such 45 day period shall be deemed approval, as certified by the Town Clerk. Approval, conditions of approval, or grounds for disapproval and provisions for appeal under Section 4.5, shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the applicant and any other interested parties appearing at the public hearing within the 45 day period.

(D) **Effect of Final Plan Approval.** The approval by the Planning Commission of a final subdivision plan and associated plat shall not be construed to constitute acceptance by the town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Selectboard, in accordance with state statute. The Planning Commission may impose a time limit for the start and completion of site improvements, such as roads, erosion control measures, and bridges, that are an integral part of the subdivision approval.

SECTION 2.6 PERFORMANCE AND MAINTENANCE BONDS

(A) The Planning Commission may, as a condition of subdivision approval, require from the applicant a performance bond or comparable security in a form approved by the Norwich Selectboard in an amount sufficient to cover the full costs of new streets and/or other required improvements and their maintenance for a period of not greater than 3 years from the date of completion. With the mutual written consent of the Planning Commission and applicant, such bond or security may be extended for an additional period not to exceed 3 years. If any required improvements have not been installed or maintained as provided within the term of the performance bond or other security, such bond or other security shall be forfeited to the Town. The Town shall, if necessary, install or maintain such improvements to the extent of the proceeds from such bond or other security.

SECTION 2.7 PLAT RECORDING REQUIREMENTS [applying to all approved subdivisions]

(A) In accordance with the Act [§4416], within 90 days of the date of receipt of final plan approval under Section 2.5(C), the applicant shall file two copies of the final subdivision plat, for recording with the Town in conformance with the requirements of 27 V.S.A., Chapter 17. Approved plats not filed and recorded within this 90 day period shall expire.

(B) Prior to plat recording, the plat must be signed by the Planning Commission Chair or Vice-Chair. All final plats must include a notation to include the following statement:

“The subdivision depicted on this plat was duly approved, as conditioned, by the Norwich Planning

Commission in accordance with the Norwich Subdivision Regulations and all other applicable laws and regulations on the ____ day of ____ 2 _____. [Subdivision Permit#_____].
Signed: _____ [Planning Commission Chair or Vice-Chair].”

The Commission may, as a condition of final plat approval, require that other notations pertaining to conditions of subdivision approval also be included on the final plat.

(C) For any subdivision which requires the construction of roads or other public improvements by the applicant, the Commission may require the applicant to post a performance bond or comparable security in accordance with Section 2.6.

(D) The municipality shall meet all recording requirements for final subdivision plan approval as specified for municipal land use permits under Section 4.6.

(E) A final plat for a Boundary Line Adjustment not deemed a Subdivision in accordance with Section 2.1(E) and approved by the Zoning Administrator shall be filed for recording with the Town in conformance with the requirements of 27 V.S.A., Chapter 17. Approved plats not filed and recorded within this 90 day period shall expire.

(1) Prior to plat recording for a Boundary Line Adjustment, the plat must be signed by the Planning Commission Chair or Vice-Chair. All final plats must include a notation to include the following statement:

“The boundary line adjustment depicted on this plat was duly approved by the Norwich Planning Commission in accordance with the Norwich Subdivision Regulations and all other applicable laws and regulations on the ____ day of ____ 2 _____. [Boundary Line Adjustment Permit#_____].
Signed: _____ [Planning Commission Chair or Vice-Chair].”

SECTION 2.8 COMPLIANCE WITH SUBDIVISION APPROVAL

(A) Prior to any development of an approved subdivision that requires the issuance of a zoning permit, the applicant shall demonstrate that public and private improvements have been installed in accordance with the conditions of subdivision approval, and that all other applicable conditions have been met. In establishing conditions of subdivision approval, the Planning Commission may provide for a phased schedule of completion of improvements. The Zoning Administrator may rely on any information contained in the zoning permit application regarding the location of parcel boundaries. In the event that there is a discrepancy between the information provided by the applicant and the true facts, the Town does not waive future enforcement authority with the issuance of a zoning permit.

(B) To assist the Zoning Administrator to determine whether public or private improvements have been met, the Planning Commission may, as a condition of subdivision approval, require the submission of “as-built drawings,” which shall indicate by dimensions, angles and distances the location of all utilities, structures, roadways, easements, landscaping and other improvements as installed. The Zoning Administrator shall rely upon any information submitted as part of the applicant’s application for subdivision approval to determine whether the as-built drawings conform to the approved plat and all associated conditions. In the event of any discrepancies between the approved subdivision and the as-built drawings, the Zoning Administrator shall be entitled to initiate enforcement action pursuant to Section 4.4.

(C) The Planning Commission may also require, as a condition of final subdivision plan approval, that the applicant apply for a certificate of compliance to ensure that specified public or private improvements

have been accomplished in accordance with the conditions of subdivision approval. When so conditioned, the issuance of a certificate of compliance is required before the applicant will be issued zoning permits for the future development so specified in the approved subdivision. For example, a certificate of compliance as to completion of a particular road or certain utilities in one section of the subdivision might be required prior to granting permits for the construction of residences in that section of the subdivision.

When a certificate of compliance is required, the applicant shall submit an application containing the information identified in (B) above and any additional information that the Zoning Administrator reasonably may require. Within 30 days of receipt of a complete application, the Zoning Administrator will inspect the subdivision to ensure that all required work has been completed in accordance with the appropriate condition(s) of subdivision approval, and act to grant or deny the certificate of compliance. If the certificate of compliance is denied by the Zoning Administrator, no zoning permits may be issued for the future development specified. If the Zoning Administrator fails either to grant or deny the certificate of compliance within 30 days of submission of a completed application, the certificate of compliance shall be deemed issued on the 31st day.

(D) The Commission may, as a condition of subdivision approval, require the applicant to fund the cost of any review or inspections performed by an appropriate professional retained by the Town (e.g., civil engineer) to determine whether improvements were installed in accordance with the subdivision approval.

SECTION 2.9 REVISIONS TO AN APPROVED PLAT

No changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are first resubmitted to the Planning Commission as a minor subdivision and the Commission approves such revisions after public hearing. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

Table 2.2
Subdivision Application Requirements

| | Preliminary Plan | Intermediate Plan | Final Plan |
|---|--|---|---|
| (A) Application Information | (if required) | (if required) | |
| Application Form [number of copies] | 1 | 1 | 1 |
| Application Fee | ✓ | ✓ | ✓ |
| Name of project, if any | ✓ | ✓ | ✓ |
| Name <u>and address of applicant and landowner</u> | ✓ | ✓ | ✓ |
| Written description of proposed development plans, including number and size of lots; general timing of development | ✓ | ✓ | ✓ |
| Waiver request, in writing [optional] | ✓ | ✓ | |
| Evidence of written notification to <u>abutters</u> of intent to subdivide; to include copies of any waiver request if any) | ✓ | | |
| Written request for modification of dimensional requirements or other standards contained in the zoning bylaws in instances involving applications for a Planned Unit Development (PUD) or Planned Residential Development (PRD); or, a brief statement explaining why a PUD or PRD is not appropriate for the site. | ✓ | ✓ | ✓ |
| (B) Plan/Plat Mapping Requirements | Preliminary | Draft Plat | Final Plat |
| Materials | Paper | Paper | Mylar |
| Date, North Arrow, Legend | ✓ | ✓ | ✓ |
| Preparer Information, Certifications | ✓ | ✓ | ✓ |
| Scale (not less than 1 inch = 200') | ✓ | ✓ | ✓ |
| Project boundaries and property lines | Drawn | Drawn | Surveyed ¹ |
| Existing and proposed lot lines, dimensions | Drawn | Drawn | Surveyed ¹ |
| Adjoining land uses, roads and drainage | ✓ | ✓ | ✓ |
| Zoning district designations and boundaries | ✓ | ✓ | ✓ |
| Location of Fragile Features and Natural and Cultural Resources, as identified in Section 3.3 (including wetlands, floodplains and surface waters; steep slopes, prominent knolls and ridgelines; wildlife habitat and natural areas; historic resources; farm land and forest resources) in area to be developed. | ✓ Based on Norwich GIS and site visit observations | ✓ Delineated in area to be developed | ✓ Delineated in area to be developed |
| Existing and proposed elevations, contour lines in area to be developed. | | 2' interval | 2' interval |
| Existing and proposed roads, paths, parking areas, associated rights-of- way or easements | Drawn | Drawn | Surveyed |
| Utilities, water and wastewater systems and associated rights-of-way or easements | | ✓ | ✓ |
| Digital data as specified by the Planning Office | | | ✓ |
| ¹ Subdivisions involving especially large parcels, such as the subdivision of a single 2 acre lot from an existing 100 acre parcel, may, at the discretion of the Planning Commission, be exempted from the requirement that boundaries of the large parcel to be retained by the landowner be surveyed. In granting such an exemption, the Planning Commission may require that a surveyed plat of the newly created parcel(s) (e.g. the 2 acre lot in the preceding example) be prepared and recorded in the land records. | | | |

Table 2.2 Subdivision Application Requirements (cont.)

| (B) Plan/Plat Mapping Requirements (continued) | Preliminary | Draft Plat | Final Plat |
|---|------------------|---|---|
| Proposed development envelopes | | ✓ | ✓ |
| Monument locations | | | ✓ |
| Road profiles; road, intersection and parking area geometry and construction schematics within area to be developed | | ✓ | ✓ |
| Proposed landscaping and screening | | ✓ | ✓ |
| Proposed conservation buffer and/or easement areas | | ✓ | ✓ |
| Notation prepared in accordance with Section 2.7 | | | ✓ |
| Reduced (11' x 17') copies of proposed plan [number of copies] | 1 | 1 | 1 |
| (C) Supporting Information & Documentation | Preliminary Plan | Intermediate Plan | Final Plan |
| Site location map showing proposed subdivision in relation to major roads, drainage ways, and adjoining properties | ✓ | ✓ | ✓ |
| Completed density determination checklist and associated documentation (provided by the Town or, at the discretion of the applicant, supporting documentation may be prepared by a licenced engineer or surveyor – see Section 3.2) | ✓ | ✓ | ✓ |
| Engineering reports (water and wastewater systems) | | ✓ | ✓ |
| Off-site easements (e.g., for water, wastewater, access) | Description | Draft | Final |
| Proposed phasing schedule | Description | Draft | Final |
| Proposed covenants and/or deed restrictions | Description | Draft | Final |
| Proposed homeowner or tenant association or agreements | Description | Draft | Final |
| Proposed performance bond or surety | | Description | Final |
| (D) As may be required by the Planning Commission | | | |
| Stormwater and erosion control plan | | As required under preliminary plan approval | As required under preliminary/intermediate approval |
| Grading plan (showing proposed areas of cut and fill) | | | |
| Open space management plan | | | |
| Site reclamation plan (for subdivisions involving extraction) | | | |
| Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements) | | | |
| Statement of conformance with the Town Plan and compliance with applicable local regulations | | | |
| Fiscal impact analysis (analysis of fiscal costs and benefits to the town) | | | |
| Other | | | |
| Upon written request specific requirements may be waived by the Planning Commission per Section 2.1(D) | | | |

Article 3. Planning and Design Standards

SECTION 3.1 PLANNING AND DESIGN PROCESS

(A) All subdivisions shall be designed to ensure that the resulting pattern and density of development are appropriate for the site's location, character, and physical capacity. Subdivisions shall not result in development which places an undue burden on the Town of Norwich and/or neighboring landowners, or results in the loss or degradation of the Town's natural, scenic or cultural resources. To this end, applicants shall design subdivisions in accordance with the following five steps:

- Step (1) Though not mandatory, applicants are strongly encouraged to schedule a pre-application meeting with the Planning Commission and/or Town planning and zoning staff in order to become familiar with the review process, required application materials, and subdivision planning and design process.
- Step (2) Seek a determination of the pre-subdivision site's allowable density from the Norwich Planning Commission, in accordance with the standards and procedures set forth in Section 3.2 and Section 2.3 of these regulations. Such a determination shall be considered a preliminary indication of the maximum development potential, as expressed in total units of density for the existing (pre-subdivision) parcel, and shall serve as the basis of subdivision design in accordance with the following steps. The preliminary density may be adjusted by the Commission as a result of site analysis performed in accordance with step (2), or as a result of the proposed subdivision's impact on municipal services, or the applicant's ability to provide adequate infrastructure, as described in step (3).
- Step (3) Conduct a detailed analysis of site conditions, including an assessment of the natural resources and physical features found on the site. Based upon this analysis, the applicant shall identify, in order of sequence, (a) building site locations; (b) preliminary utility and facility locations; and (c) proposed boundary configurations. The site analysis and subdivision design process shall, at a minimum, meet the requirements of Sections 3.3 and 3.4.
- Step (4) Develop final subdivision design, including final design of proposed utilities and facilities, including those standards set forth in Sections 3.4 - 3.9. In addition, the applicant shall identify appropriate mitigation to address any off-site impact of the development on municipal facilities and services. The final density shall be based upon the ability of the applicant to provide appropriate facilities and services in accordance with these regulations, and to avoid or mitigate impacts on the community or surrounding area.
- Step (5) With the approval of the final design, the applicant shall meet all legal requirements set forth in Section 2.7, and shall comply with all conditions of subdivision approval.

(B) In accordance with Section 2.1(D), the Planning Commission may waive or modify one or more of the standards in Article 3 in situations involving subdivisions not resulting in the creation of more than 2 lots and, based upon the Planning Commission's review under Sections 3.2 and 3.3, a determination that the subdivision clearly meets the intent of these regulations.

SECTION 3.2 DETERMINATION OF ALLOWABLE DENSITY

(A) **Village & Commercial Districts.** Within the Village Residential, Business and Commercial/Industrial Districts, the maximum density shall be as defined in the Town of Norwich Zoning Regulations.

(B) **Rural District.** In accordance with Section 6.4 of the Norwich Zoning Regulations, the maximum number of lots created within the Rural Residential District after the effective date of these regulations shall be determined as set forth below.

- (1) Minimum Lot Size. The minimum lot size within the Rural Residential District shall be not less than 20,000 square feet, unless the lot is part of a Planned Unit Development or Planned Residential Development approved by the Planning Commission in accordance with the Norwich Zoning Regulations, in which case the minimum lot size shall be as determined by the Commission. In the event the proposed lot size is less than the maximum density, the balance of the land shall be reserved as open space in accordance with Section 3.10 (e.g., if the maximum allowable density is one unit/lot for every 10 acres and the proposed lot size is one acre, an additional 9 acres must be reserved as open space and may be held in common or remain with another lot).
- (2) Maximum Density. Except as provided in subsection (D) of this section below, the maximum density (total number of units/lots allowed on any pre-existing parcel) shall be as determined by the Planning Commission in accordance with this section of the regulations. The total maximum density shall range from a maximum density of one unit per every 2 acres of developable area to one unit per every 20 acres of developable area, based upon the formulas set forth in Tables 3.1 and 3.2.
- (3) Determination of Developable Area. It is the intent of these regulations to limit development density on parcels on which fragile features and critical natural resources are located. To achieve this intent, development density shall be calculated based upon the total amount of developable area found on the pre-subdivision parcel. The developable area shall be determined by excluding certain non-developable features from the density calculations, and by reducing the amount of area that other important, albeit less fragile, features may be applied to the density determination. The total developable area shall be based upon the formula described in Table 3.1.

In determining the amount of developable area located on a parcel during preliminary plan review, the Norwich Planning and Zoning office shall provide, at the applicant's request, an indication of the location and total area (in acres) of each of the features identified in Table 3.1. The indication shall be based upon the most up-to-date data coverages available in the Town's Geographical Information System (GIS) program. The applicant may choose to provide data, prepared by a licensed engineer or surveyor, providing a more accurate indication of the features indicated in Table 3.1 and use such data as the basis of the determination of developable area. In the event the Planning Commission, as a result of site investigation, determines that the Town's GIS data may not accurately identify features found on a site, the Commission may require the applicant to provide more detailed information regarding one or more of the features included in Table 3.1.

- (4) Determination of Development Density. In accordance with the Norwich Town Plan, it is the intent of these regulations to maintain low development densities in areas of Town with limited and/or poor access to Town facilities and services, to maintain low development densities

contiguous to significant public lands and open spaces, and to encourage moderate to high densities in areas of Town with good access to Town facilities and services and close proximity to the village center.

Rather than designating multiple zoning districts within the designated Rural Residential District, maximum density shall be based upon the unique characteristics of the parcel relative to highway access, distance to the town center, and proximity to protected open space. The total development density of a site shall be presumed to be one unit per every 2 acres of developable area, although the density shall be adjusted in accordance with the formulas set forth in Table 3.2. In no instance shall the total allowable density be less than one unit per every 20 acres of developable area.

| Table 3.1 Determination of Developable Area | | |
|---|-----------------------------|--|
| Physical Features Found on Parcel | Developable Area Adjustment | Example 100 acre parcel |
| Slopes in excess of 25% | no credit | 10 acres = 0 acres Developable Land |
| 100 year floodplains | no credit | 10 acres = 0 acres Developable Land |
| Wetlands and surface waters | no credit | 20 acres = 0 acres Developable Land |
| Setback areas from wetlands and surface waters | 50% credit | 10 acres = 5 acres Developable Land |
| Slopes between 15% and 25% | 50% credit | 10 acres = 5 acres Developable Land |
| All Other Land | 100% credit | 40 acres = 40 acres Developable Land |
| Total 100 acre parcel | – | 100 acres = 50 acres Developable Area |
| Notes: (1) <i>The determination of developable area only applies to the proposed creation of new lots under these regulations, and does not apply to the use of pre-existing parcels in accordance with the Norwich Zoning Bylaw.</i> (2) <i>In instances where two or more features overlap, development credit will only be applied once for the lowest credit available, depending upon the feature (e.g., land in both 100 year floodplain and setback from wetlands receive no credit).</i> (3) <i>Table not applicable to applications for Planned Unit Developments (PUDs) or Planned Residential Developments (PRDs), i.e. developable area is deemed to be actual size of parcel.</i> (4) <i>Wetlands shall include Vermont Class 1 & 2 wetlands</i> (5) <i>Setback areas (buffers) from wetlands shall be 50 feet and from surface waters 25 feet on either side.</i> (6) <i>Surface waters are those shown on the Norwich GIS surface water coverage.</i> | | |

(C) Waiver for Non-Development Lots. In situations involving the subdivision of land for non-development purposes, including to transfer parcel ownership for forestry, agriculture, recreation and/or open space purposes, the Planning Commission shall waive the requirements of this section provided that all parcels to be created are larger than 20 acres in area or such parcels are reserved as open space or common land in accordance with Section 3.10.

(D) Exception for Planned Residential Developments and Planned Unit Developments. The maximum allowable density for subdivisions that meet the requirements for Planned Residential Developments (PRDs) and Planned Unit Developments (PUDs) shall be determined in accordance with Sections 12.3.3(B) and 12.4.3(A) of the Norwich Zoning Regulations.

Table 3.2
Determination of Development Density

| Parcel Location | Density Adjustment | 2 acre maximum density x density adjustment |
|---|--------------------|---|
| A. Proposed Driveway or Development Road accessing: | | |
| State Highway or Paved Class 2 Road | x 1 | 2 x 1 = 2 acres |
| Paved Class 3 Road | x 1 | 2 x 1 = 2 acres |
| Gravel Class 3 Road | x 2 | 2 x 2 = 4 acres |
| Substandard Class 3 Road (as identified by Town) | x 4 | 2 x 4 = 8 acres |
| Class 4 Road | x 6 | 2 x 6 = 12 acres |
| B. After adjusting for access, adjustments shall be made for travel distance from the Norwich Town Office measured to the nearest part of the parcel having 50 feet of frontage along a town or state highway by the most direct route using town or state highways. | | |
| Less than 1.5 miles | x 1 | 2 x 1 = 2 acres |
| 1.5 to 3 miles | x 1.5 | 2 x 1.5 = 3 acres |
| 3 to 4.5 miles | x 2 | 2 x 2 = 4 acres |
| 4.5 to 5.5 miles | x 2.5 | 2 x 2.5 = 5 acres |
| 5.5+ miles | x 3 | 2 x 3 = 6 acres |
| C. After adjusting for access and travel distance, the maximum density shall be made for proximity to significant public lands/open spaces | | |
| Not contiguous to (does not share boundary with) Norwich Fire District Agreement Lands or Appalachian Trail Corridor | x 1 | 2 x 1 = 2 acres |
| Parcel has a shared boundary with Appalachian Trail Corridor or the Norwich Fire District Agreement Lands | x 2 | 2 x 2 = 4 acres |
| <p>Finally, the maximum allowable density shall be as adjusted, or 1 unit for every 20 acres of developable area, whichever achieves the highest density.</p> <p><i>Notes:</i></p> <p>(1) Table 3.2 is applicable to all applications for Planned Unit Developments (PUDs) or Planned Residential Developments (PRDs).</p> <p>(2) A Legal Trail, although a Town right-of-way, may not be used for vehicle access to a newly created parcel. See Norwich Trails Ordinance.</p> | | |

SECTION 3.3 PROTECTION OF FRAGILE FEATURES AND NATURAL AND CULTURAL RESOURCES

(A) **Suitability of Land for Subdivision.** All land to be subdivided shall be, in the judgement of the Planning Commission, of such a character that it can be used for intended purpose(s), as stated in the application, without danger to public health or safety, the environment, neighboring properties, or the character of the area or district in which it is located. To this end, all applications for subdivision shall provide a detailed site analysis which identifies all fragile features and natural and cultural resources described below, identifies the impact of the proposed subdivision on those resources, and sets forth the protection measures proposed to avoid or mitigate those impacts.

(B) **Establishment of Development Envelopes.** All lots shall have a designated development envelope, unless waived by the Commission in the case of small lots which would result in the dedication of significant tracts of open space. Development envelopes shall be designated to identify and limit the location of principal and accessory structures, parking areas, and associated site development (excluding road and utility rights-of-way or easements) on one or more portions of a lot. The size and shape of the development envelope shall at minimum be determined by district setback requirements unless otherwise specified in these regulations. The Planning Commission may require the identification of specific building footprints if, in their judgement, such information is required to meet the standards set forth in these regulations. Where the Planning Commission deems it appropriate to do so for the purposes of this Section 3.3, the Planning Commission may consider features of immediately adjacent properties that are relevant to the Planning Commission's evaluation of the proposed development envelope.

(C) **Protection of Wetlands, Floodplains and Surface Waters.** Subdivision boundaries, lot layout and Development Envelopes shall be located and configured to avoid any adverse impact to wetlands, floodplains and surface waters, including streams, rivers and all shoreline as defined by Section 13 of the Norwich Zoning Regulations, and designated water supply Source Protection Areas (SPAs). Methods for avoiding such impacts include but may not be limited to the following:

- (1) Lot boundaries shall be configured to prevent the fragmentation of these features unless appropriate legal mechanisms are put in place to ensure permanent protection.
- (2) Development envelopes and the layout of roads, driveways and utilities shall be located and sized to exclude these features, except as provided under subsection (3), below.
- (3) Buffer areas sufficient in width to protect the identified feature(s) shall be designated; disturbance within buffer areas shall be limited to the minimum clearing and excavation necessary to create and maintain:
 - a. road, driveway and utility crossings;
 - b. streambank stabilization and restoration projects, in accordance with all applicable state and federal regulations;
 - c. unpaved bicycle and pedestrian paths and trails;
 - d. public recreation facilities and improved river/lake accesses (e.g., beaches, boat launches, fishing accesses).
- (4) Shoreline, riparian areas and wetlands, and adjacent buffer lands, should be designated as open space.

(D) **Protection of Steep Slopes, Prominent Knolls and Ridgelines.** Subdivision boundaries, lot layout and Development Envelopes shall be located and configured to minimize adverse impacts to slopes greater

than 15%, to avoid disturbance to slopes in excess of 25%, and to avoid the placement of structures on prominent knolls and ridgelines. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Development envelopes shall be located to exclude these features. In the event that development on slopes greater than 15% is necessary to achieve the most desirable subdivision design for a site, the Commission shall limit clearing, excavation and filling on such lands to the greatest extent practical, and may require the preparation and implementation of an erosion control plan for the property, in accordance with Section 3.5, as a condition of approval.
- (2) Excavation, filling and development on slopes in excess of 25% shall be avoided.
- (3) Development Envelopes shall be located and configured so that the height of any structure placed on the site after subdivision will not visually exceed the height of the adjacent tree canopy serving as the visual backdrop to the structure, and shall be located down-slope of ridgelines and prominent knolls.
- (4) On wooded sites, forest cover shall be maintained or established adjacent to proposed structures to interrupt the facade of buildings, provide a forested backdrop to structures, and/or soften the visual impact of new development as viewed from public roads and properties. The Commission shall consider the location of proposed structures relative to existing vegetation, and may require additional planting and/or limit the amount of clearing adjacent to proposed development to provide screening and maintain a forested backdrop. A tree cutting, landscaping and/or forest management plan may be required to ensure that ridges and hill tops remain wooded, and to ensure that trees remain standing immediately adjacent to buildings to visually interrupt facades and reduce reflective glare, as viewed from off site. Such a plan shall address specific measures to be taken to ensure the survival and, if necessary, replacement of designated trees during or after site development and the installation of all site improvements.
- (5) On ridgelines and prominent knolls that have been cleared prior to subdivision, the Commission shall consider the location of Development Envelopes and associated development relative to the location of buildings on surrounding properties. The location of Development Envelopes, and associated development, may be restricted to minimize visibility as viewed from Town roads and properties.
- (6) Access roads, including the conversion of logging roads to private roads or driveways, and utility corridors, shall use or share existing accesses and rights-of-way where feasible; follow existing contours to achieve angled ascents, and avoid areas of steep slope.
- (7) Land characterized by steep slopes, prominent knolls and ridgelines should be designated as open space.

(E) **Protection of Wildlife Habitat and Natural Areas.** Subdivision boundaries, lot layout and Development Envelopes shall be located and configured to minimize adverse impacts on critical wildlife habitat, including travel corridors, and natural areas identified in the Norwich Town Plan, by the Vermont Department of Fish & Wildlife, or through site investigation. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Development envelopes shall be located to exclude identified natural areas and wildlife habitat, including deer wintering areas, and other critical habitats. A buffer area of adequate size shall be established to ensure the protection of critical habitat.

- (2) To avoid the fragmentation of natural areas and wildlife habitat, including large tracts of forest land and undeveloped corridors serving as wildlife travel corridors between larger tracts of core habitat, the Commission may require the submission of a wildlife habitat assessment, prepared by a wildlife biologist or comparable professional, to identify the function and relative value of impacted habitat and provide recommended management strategies to maintain or enhance the those values and function. The Commission may also consult with Vermont Fish and Wildlife Department staff prior to issuing a decision.
- (3) Roads, driveways and utilities shall be designed to avoid the fragmentation of identified natural areas and wildlife habitat.
- (4) Identified natural areas and critical wildlife habitat should be designated as open space.

(F) **Protection of Historic & Cultural Resources.** Subdivision boundaries, lot layout and Development Envelopes shall be located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in the Norwich Town Plan, by the Vermont Division for Historic Preservation, or through site investigation. Methods to minimize adverse impacts include but may not be limited to the following:

- (1) Historic features, including stone wall and cellar holes, should be preserved and integrated into the subdivision design (e.g., driveways may follow stone walls) to the extent practical.
- (2) Prior to development on sites that have been identified as being archaeologically sensitive in the Town Plan or through site investigation, the Planning Commission may require a site assessment to identify the presence and relative value of archaeological resources on the site, and to document the archaeological resource and/or recommend strategies for its protection.
- (3) The subdivision of land shall be designed to maintain the historic context of the site, as defined by historic structures located on the property and in the immediate vicinity of the site, and to minimize the impact of new development on the historic and architectural integrity of historic resources.

(G) **Protection of Farm Land.** Subdivision boundaries, lot layout and Development Envelopes shall be located and configured to avoid adverse impacts to “prime” and “statewide” agricultural soils and other open farm fields. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Development Envelopes shall be located at field and orchard edges or, in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of the site.
- (2) Buildings and associated building lots should be clustered to avoid the fragmentation of productive farm land.
- (3) Vegetated buffer areas may be required to buffer agricultural operations from other uses to minimize land use conflicts.
- (4) Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these to minimize the fragmentation of agricultural land and visual impacts.

- (5) Intact parcels of productive farmland shall be designated as open space; conservation easements, limitations on further subdivision, or comparable site protection mechanisms may be required.

(H) **Protection of Forest Resources.** Subdivision boundaries, lot layout and development envelopes shall be located and configured to avoid adverse impacts to productive forest land, including large (50+ acres) tracts of forest, forest land contiguous to other large, undeveloped tracts that have either been protected through public or private land conservation initiatives or are subject to use value appraisal contracts, and forest land that possesses unique or fragile features, including natural areas, critical wildlife habitat, wildlife travel corridors, and/or exceptional recreational resources. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) The subdivision of forest land shall, to the extent practical, be configured to allow for ongoing forest management of the parcel after subdivision. Lot boundaries and development envelopes should be laid out to avoid unnecessary fragmentation of distinct timber stands, and provision for forest management access should be a consideration of the final plan.
- (2) The Planning Commission may require setbacks and buffers from adjacent forest land greater than the setbacks and buffers set forth in the Norwich Zoning Regulations to protect recreation areas, conserved open space, and critical wildlife habitat, and to avoid conflict between new residential development and existing forest management activities on land enrolled in the current use program.

(I) **Protection of Scenic Resources.** Subdivision boundaries, lot layout and development envelopes shall be located and configured to avoid adverse impacts to scenic resources identified in the Norwich Town Plan or in the document entitled *Inventory of Scenic Resources*, prepared by the Scenic Resources Committee of the Norwich Conservation Commission and dated January 2000. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Subdivisions within view of scenic roads, as identified in the aforementioned planning documents, shall be designed to avoid adverse impact to the identified scenic resources.
- (2) Development envelopes located within view of identified scenic roads or within identified scenic viewsheds shall be located to avoid prominent placement within the foreground or background of the viewshed; rather, development should be placed within the middleground of the view to the extent practical.
- (3) Subdivisions should be configured to reinforce gateways to the Village and smaller hamlets located in Town; development envelopes and lots should be designed to maintain the contrast between compact village centers and surrounding countryside.
- (4) When evaluating the impact of proposed subdivisions on scenic resources, the Planning Commission may consider, in addition to the Town Plan and Inventory of Scenic Resources, the Vermont Agency of Natural Resources publication *Vermont's Scenic Landscapes: A Guide for Growth and Protection* (1991).

(J) **Modifications for Norwich Village and cluster development.** Notwithstanding this section, the Planning Commission may waive or modify one or more of these standards within the Village Residential or Business District, or within a Planned Residential Development or Planned Unit Development, in the event the Commission determines that the benefits of modification would result in a more desirable settlement pattern, and the impacts on identified resources can be mitigated either on or off site.

SECTION 3.4 DISTRICT SETTLEMENT PATTERNS

(A) All subdivisions shall be designed and configured to reflect the desired settlement pattern for the respective district in which the subdivision is located, as defined by the Norwich Zoning Regulations and the Norwich Town Plan.

- (1) Subdivisions within the Village Residential District shall be designed to reflect the historic character of the surrounding area. Lot sizes should be consistent with traditional densities within the Village, and development envelopes should be located to maintain a consistent building line and streetscape along public roads. Sidewalks and other pedestrian facilities may be required where appropriate.
- (2) Subdivisions within the Commercial/Industrial District shall be configured to minimize driveway and road accesses onto public roads, including Route 5; to allow for innovative site design that allows for parking and related infrastructure to be located in rear yards; and shall avoid commercial strip development along Route 5.
- (3) Subdivisions within the Rural District shall be designed and configured to reinforce the district's rural character and historic working landscape, characterized by wooded hillsides and knolls, open fields, and a visual and functional relationship of structures to the surrounding landscape.

SECTION 3.5 STORM WATER MANAGEMENT AND EROSION CONTROL

(A) Temporary and permanent stormwater management and erosion control measures shall be incorporated into subdivision design and layout to control surface runoff, sedimentation and water pollution on-site and downstream from the proposed subdivision. Factors to be considered in determining the types of controls necessary shall include pre-development site and runoff conditions, vegetation and ground cover, slope and drainage patterns, soil types (i.e., hydric soils), the percentage of land covered in impermeable surfaces, types of pollutants generated, distances to streams and other surface waters, and impact on adjoining properties.

(B) The Planning Commission may require the preparation and implementation of stormwater management and/or sedimentation and erosion control plans and associated analyses to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading, will not unduly impact neighboring properties or surface waters. Such plans, if required, shall be prepared by a licensed Vermont engineer, be based upon Best Management Practices (BMPs) for managing stormwater and controlling erosion, as defined by the Vermont Agency of Natural Resources, the U.S. Department of Agriculture Natural Resource Conservation Service, and shall include provisions for the inspection and long-term maintenance of stormwater management and erosion control facilities.

(C) Control of stormwater runoff flows for downstream flood control from all impervious surfaces shall be accomplished by limiting the post-development peak discharge rate from the subdivision so that it does not exceed the pre-development peak discharge rate from the site for the 10% and 1% probability 24 hour storm.

(D) Control of stormwater runoff to protect downstream channels shall be accomplished by providing 12 to 24 hours of extended detention storage for the one year storm event.

(E) If a subdivision will result in changes in stage-frequency, discharge-frequency or flooding in areas not owned or controlled by the applicant, the applicant must secure appropriately sized easements for all areas of flow or flooding on affected properties. Suitable land use restrictions will be included in easements to prevent any activity that may affect drainage across the area.

(F) Areas exposed during construction shall be protected in accordance with standards of the Vermont Department of Environmental Conservation, the U.S. Department of Agriculture Natural Resource Conservation Service or other appropriate standards as approved by the Commission. Permanent vegetation and erosion control measures shall be established according to a schedule as required by the Planning Commission. The Commission also may require the phasing of construction to reduce the amount of land disturbed at any one time, and may stipulate deadlines for the installation of temporary and permanent erosion control or stabilization measures.

SECTION 3.6 COMMUNITY SERVICES AND FACILITIES

(A) **Municipal Facilities and Services.** The proposed subdivision shall not create an undue burden on municipal facilities and schools, or create an unreasonable demand for public services. The Planning Commission may require the phasing of development to coordinate the anticipated demand for municipal facilities and services with the planned provision of those facilities and services, in accordance with a duly adopted capital budget and program.

(B) **Fire Protection Facilities and Emergency Access.** Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the Planning Commission based on the following requirements:

| Lots in Subdivision | Maximum Distance to Hydrant (Feet) | Fire Flow (gpm) |
|--|------------------------------------|---|
| Two or less single family residential structures or development envelopes separated by 100 ft. or more | 5,000 | 500 |
| Three to five single family residential structures or development envelopes separated by 100 ft. or more | 3,000 | 500 |
| Six to ten single family residential structures or development envelopes separated by 100 ft. or more | 2,000 | 500 |
| All other subdivisions | 1,000 | Based on the Needed Fire Flow Requirements of the Fire Suppression Rating Schedule of the Insurance Services Office |

The Commission may waive the above requirements if, as a condition of subdivision approval, the Commission adds the requirement that prior to the issuance of a zoning permit for any lot in the subdivision that any residential structure that has 1,500 sq. ft. or more of floor area will be protected by an automatic fire sprinkler system that meets the requirements of the applicable National Fire Protection Association (NFPA) Standard; NFPA 13: *Installation of Sprinkler Systems*, NFPA 13R: *Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height* or NFPA 13D: *Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes*.

Fire hydrants serviced by the municipal water system or dry hydrants installed into a pond or stream shall be installed by the applicant to meet these requirements. When ponds or streams are used to satisfy these requirements they shall have sufficient volume or flow to meet the requirements in a 2% drought condition for a minimum of 2 hours.

(C) **Emergency Access.** The Commission may require documentation from the Norwich Fire Department or other appropriate municipal officials as to the adequacy of emergency access for fire, police, ambulance, or other services and fire protection facilities. Compliance with the Private Highway Specifications will normally be considered as providing adequate access for municipal and emergency vehicles.

SECTION 3.7 ROADS, DRIVEWAYS AND PEDESTRIAN ACCESS

(A) **Road Standards.** The following standards shall apply to all proposed public roads and to private roads serving two or more lots. Acceptance of private roads by the Town is subject to the approval of the Norwich Selectboard pursuant to state law for the laying out of public rights-of-way. Construction of roads to these standards in no way ensures such acceptance.

(B) **Road Design: Private Development Roads.** All private development roads serving proposed subdivisions shall be designed in accordance with the Town of Norwich *Private Highway Specifications* as most recently amended by the Norwich Selectboard.

(C) **Road Design: Town and State Roads.** All public roads serving proposed subdivisions shall be designed in accordance the Town of Norwich *Specifications for Town Highways*, adopted and administered by the Norwich Selectboard.

(D) **Coordination with Adjoining Properties.** The arrangement of roads in the subdivision shall provide for the continuation of roads of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, presently or when later required of needed utilities and public services. Where, in the opinion of the Planning Commission, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

(E) **Access Management.** All road access shall be subject to the approval of the Vermont Agency of Transportation in the case of state highways and the Norwich Selectboard in the case of town roads. Access to all lots created by subdivision and to all buildings or other land development located thereon shall be only from such permitted access road or driveway. To better manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of important travel corridors, and to avoid strip development, the following access management standards shall apply to all subdivisions:

- (1) Shared driveways and/or internal development roads providing access to multiple lots may be required to limit the number of access points onto public highways.
- (2) If a subdivision has frontage on two or more roads, access shall be from the road determined by the Planning Commission to be more suitable based on topographic or traffic safety conditions.
- (3) The creation of reserved strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.

(F) **Traffic & Road Capacity.** Traffic to be generated by the proposed subdivision shall not result in unreasonable traffic congestion or exceed the capacity of roads and intersections in the vicinity of the subdivision. The Commission may request the preparation of a traffic impact study to identify impacts and mitigation measures necessary to ensure road safety and efficiency, the cost of which is to be borne by the applicant. The implementation of mitigation measures, including required road improvements necessitated by the subdivision, shall be the responsibility of the applicant as follows:

- (1) Where an existing access road is inadequate or unsafe, the Planning Commission may require the applicant to upgrade the access road to the extent necessary to serve additional traffic resulting from the subdivision and to conform to these standards. Upgrades to Town highways will require the approval of the Selectboard.
- (2) In situations where a development may require the realignment, widening or an increase in the capacity of an existing road, or where the town plan or capital program indicates that such improvements may be required in the future, the applicant may be required to reserve land for such improvements.
- (3) When a proposed subdivision necessitates an upgrade in the capacity of a public road to accommodate traffic generated by that subdivision, the Planning Commission may disapprove such subdivision until such upgrade has been completed. The applicant may be required to contribute to any or all of the expenses involved with road improvements necessitated by the project.

(G) **Road Names & Signs.** Roads shall be named in accordance with the Norwich Road Naming Ordinance, and shall have specific historic, cultural or geographical relevance. Said names shall be identified on signs designed and located in accordance with the town policy, and shall be clearly depicted on the final plat. Road name signs shall be installed by the applicant.

(H) **Pedestrian Access.** The Planning Commission may require pedestrian rights-of-way to facilitate pedestrian circulation within the subdivision and to ensure access to adjoining properties or uses or public facilities. Such rights-of-way, which may be required to facilitate pedestrian access from a subdivision to schools, parks, playgrounds, or to extend recreational greenways and trail networks identified in the town trail planning documents, shall include perpetual unobstructed easements at least 20 feet in width which shall be indicated on the plat.

(I) **Legal Requirements.**

- (1) Every subdivision plat shall show all proposed road and pedestrian rights-of-way, as required under these regulations, regardless of whether the proposed right-of-way is intended to be accepted by the Town. In the event that the right-of-way is not intended for acceptance by the Town, the mechanism by which the right-of-way is to be maintained, owned and/or conveyed shall be clearly documented.
- (2) Documentation and assurance shall be provided that all proposed roads and rights-of-way will be adequately maintained either by the applicant, a homeowners' association or through other legal mechanism. Such documentation shall be in a form approved by the Commission and filed in the Norwich Land Records.

SECTION 3.8 WATER SUPPLY AND WASTEWATER DISPOSAL

(A) **Water Supply.** Water supply systems shall be designed, installed, and maintained to meet all applicable state and municipal requirements. There shall be no adverse impact on existing water supplies from the proposed water supply for the subdivision. The Planning Commission may require evidence that adequate water supply is available through an existing or proposed system prior to granting final approval. The Commission may require as a condition of approval, or as a condition of issuing zoning permits, that the applicant provide the results of water samples tested by the Vermont Health Department.

(B) **Wastewater Disposal Capacity.** The applicant shall demonstrate that soil conditions on-site are adequate to accommodate the installation of a wastewater disposal system designed in accordance with

state and municipal requirements, and are of sufficient capacity for the density approved under Section 3.2 and proposed type(s) of use; or that an alternative, off-site disposal location, secured through an easement or other form of legal conveyance, is similarly suitable and available.

(C) **Individual Systems.** Individual water and wastewater systems shall meet the Town of Norwich Sewage Disposal System Ordinance.

(D) **Connection to Existing System.** Where connection to an existing water or wastewater system is proposed, the applicant shall provide evidence as to the adequacy of the system to meet the needs of the proposed development. The applicant will be required to provide such pumping and other facilities as may be necessary to serve the proposed development. The Commission also may require that the applicant provide, or to have installed, at his expense, larger lines, pumping, storage and other facilities outside of the subdivision, if required specifically to meet the requirements of the proposed development.

(E) **Community Systems.** Proposed development may be serviced by private, community water and/or wastewater systems which shall be designed, installed, and maintained in accordance with all applicable municipal and state regulations and standards.

(F) **Waivers.** In the event that the applicant is proposing the creation of a lot(s) not requiring water or wastewater systems, the Commission may waive the provisions of these regulations pertaining to water and wastewater disposal, providing that the plan recorded with the Town Clerk clearly indicates that the intended use of the lot(s) will not require water or wastewater disposal systems, and the applicant submits an affidavit to the Commission stating his/her intent which will be incorporated as a condition of subdivision approval.

SECTION 3.9 UTILITIES

(A) **Location.** All utilities, existing and proposed, throughout the subdivision shall be shown on the final plat, and be located as follows:

- (1) All utility systems, which may include but not be limited to electric, gas, telephone, fiber optics and television cable, shall be located underground throughout the subdivision, unless deemed unreasonable and prohibitively expensive by the Planning Commission due to site conditions.
- (2) The applicant shall coordinate subdivision design with the utility companies to insure adequate and suitable areas for installation, both for the proposed subdivision and anticipated development on lands adjacent to the subdivision.
- (3) Utility corridors shall be shared with other utility and/or transportation corridors, and be located to minimize site disturbance, the fragmentation of farmland, and any adverse impacts to natural, cultural or scenic resources and public health.

(B) **Easements.** Utility easements of sufficient width shall be provided to serve both the proposed subdivision and existing and anticipated development outside the subdivision. Such easements shall be shown on the final plat.

SECTION 3.10 DEDICATION OF OPEN SPACE AND COMMON LAND

(A) **Intent.** Subdivisions shall be designed to preserve open space areas and common land for parks, recreation and transportation paths, viewshed and historic site protection and/or to preserve farm and forest land and fragile features as defined under Section 3.3.

(B) **Preservation of Open Space.** Provision shall be made for the preservation of open space, unless the Planning Commission determines that the subdivided parcel does not contain features described in Section 3.3 which merit protection as open space, or the Commission determines that the applicant has made other provision for the protection of such features through alternative mitigation measures. The location, size and shape of lands set aside to be preserved for open space shall be approved by the Planning Commission, in accordance with the following:

- (1) Designated open space may include the portion of a single lot outside of the development envelope which is characterized by one or more of the above referenced features and/or may encompass the contiguous boundaries of the above referenced feature located on multiple lots.
- (2) The location, shape, size and character of the open space shall be suitable for its context and intended use. In designating open space and/or common land, applicants and the Planning Commission shall consider the recommended protection strategies for various natural and cultural features identified in Section 3.4 in determining the appropriate features to designate as either open space or common land for the relevant zoning district(s).
- (3) Provision shall be made to enable open space designated for agriculture and forestry to be used for these purposes. Management plans for farmland, forest, wildlife habitat, shorelines and associated buffers may be required by the Planning Commission as appropriate to ensure their long-term protection and management.
- (4) Areas preserved for agricultural and forestry use should be of a size that allows for continued productive use of the land and retains their eligibility for available tax abatement programs.
- (5) Open space land shall be located so as to conform with and extend existing areas sharing similar characteristics or natural features and resources on adjacent parcels.
- (6) Where trail corridors have been identified by the Planning Commission, open space should make reasonable provision for the continued use of such corridors as parkland, in accordance with the Act [§4417].
- (7) Sewage disposal areas and utility and road rights-of-way or easements, access and parking areas shall not be counted as open space areas, except where the applicant can prove, to the satisfaction of the Planning Commission, that they will in no way disrupt or detract from the values for which the open space is to be protected. Stormwater management practices or facilities that require, incorporate or establish open space areas may be counted as open space.

(C) **Creation of Common Land.** Land held in common for the preservation and maintenance of open space; the maintenance and protection of shared facilities, such as community wastewater systems, community water supplies, recreation or community facilities, or recreation, including road and trails rights-of-way, may be held under separate ownership from contiguous parcels and shall be subject to the legal requirements set forth below.

(D) **Legal Requirements.** The Planning Commission may require that land offered by an applicant as protected open space be dedicated, either in fee or through a conservation easement approved by the Planning Commission. The prospective grantees to whom the applicant may grant such land may include a community association comprising all of the present and future owners of lots in the subdivision, a non-profit land conservation organization, or the Town of Norwich. At a minimum, designated open space shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of applicant and subsequent land owners.

Article 4. Administration & Enforcement

SECTION 4.1 ADMINISTRATION

These regulations shall be administered by the Norwich Planning Commission, as authorized by the Act [§4401].

SECTION 4.2 FEES

(A) Application fees for minor subdivision approval, major subdivision preliminary approval, or major subdivision final approval shall be established by the Selectboard. Such fee(s) shall include the costs for publishing hearing notices, notifying abutting landowners and conducting public hearings, administrative review and for periodic inspections by Town retained consultants during the installation of public improvements.

(B) Should the Planning Commission deem it necessary to employ an engineer, attorney, design professional or other consultant to review any subdivision plans or portion thereof, and/or any associated legal documentation, all costs of such review shall be paid by the applicant.

SECTION 4.3 HEARING NOTICE REQUIREMENTS

(A) All public hearings required under these regulations shall be warned in accordance with the Act [§§4414, 4447].

(B) Notice shall be given not less than 15 days prior to the date of the public hearing by the publication of the date, place and purpose of the hearing in a newspaper of general publication; and by the posting of the same information in one or more public places within the municipality.

(C) A copy of such notice shall be sent at least fifteen days prior to the public hearing to the regional planning commission, and to the Clerk of an adjacent municipality in the case of a plat located within 500 feet of a municipal boundary.

(D) Abutters and owners of property within 500 feet of the parcel to be subdivided shall be notified, via the U.S. Mail, by Norwich planning and zoning staff at least 15 days prior to any sketch plan review meeting scheduled in accordance with Section 2.3 and any public hearing scheduled in accordance with Section 2.4 and/or Section 2.5. Such notice may include a general description of the proposed subdivision, including the number of new lots to be created, and any other information deemed relevant by the Planning Commission and/or Town staff.

(E) A completed Preliminary Hearing may be recessed and continued to a specific time, date and place within 60 days for an Intermediate or Final Hearing if requested by the applicant and approved by the Planning Commission. For purposes of public notice, the continuation of the public hearing shall not be required to be re-warned in accordance with 4.3 (A), (B), (C), (D) if the time, date and place of that later session is announced prior to the end of the Preliminary Hearing and the Preliminary Hearing is continued to the Intermediate or Final Hearing. If for any reason the hearing is not continued at the announced time, date and place, including a lack of quorum or further continuation without substantial addition, the subsequent hearing or continuation shall be warned in accordance with 4.3 (A), (B), (C), (D).

SECTION 4.4 ENFORCEMENT AND PENALTIES

- (A) The enforcement of these regulations shall be the responsibility of the Zoning Administrator in accordance with the Act [§§4442, 4445].
- (B) Any person who violates any of the provisions of these regulations shall be fined pursuant to the Act [§4444] for each offense; and each day that a violation continues shall constitute a separate offense.
- (C) Any person who sells or transfers any land in a subdivision or land development or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined pursuant to the Act [§4444]; and each lot, parcel, or unit so sold or transferred shall be deemed a separate violations.
- (D) Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Act [§4445] as presently enacted and as hereinafter amended, or otherwise to restrain, correct or prevent any violations of these regulations or prosecute violators thereof except as provided below.

SECTION 4.5 APPEALS

- (A) Any decision of the Planning Commission may be appealed to by an interested person to the Vermont Environmental Court in accordance with the Act [§§4475, 4471].
- (B) “Interested person” for the purposes of appeal shall be defined pursuant to the Act [§4464].
- (C) The notice of appeal shall be sent by mail to every interested person appearing and having been heard at the hearing before the Planning Commission.

SECTION 4.6 TOWN RECORDING REQUIREMENTS

The Zoning Administrator shall deliver copies or memorandums of permits, and Notices of Violation to the Town Clerk for recording within 30 days of being issued pursuant to the Act[§4443(c)].

Article 5. Definitions

Section 5.1 Interpretation

- (A) Unless otherwise defined herein, the definitions contained in the Act and the Norwich Zoning Regulations shall apply to these regulations.
- (B) Words, phrases and terms neither defined herein nor elsewhere in these regulations shall have their usual and customary meanings except where the context clearly indicates a different meaning.
- (C) Any interpretation or clarification of words, phrases or terms contained herein by the Norwich Planning Commission or other jurisdiction shall be based on the following definitions, state statute, and the need for reasonable and effective implementation of these regulations.

Section 5.2 Definitions

For the purposes of these regulations, the following words shall be defined as follows:

Abutter: The owner of record of a parcel of land which is contiguous at any point to the parcel being subdivided.

Access Road: Public or private road providing access to two or more lots.

Act: The Vermont Municipal and Regional Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated.

Affordable Housing: Affordable housing units include owner-occupied or rental dwelling units which are constructed and made subject to sufficient restrictions so that they will remain affordable on a long-term basis. Eligible households shall have incomes that are up to 120% of the median Windsor County household income, as last reported by the Vermont Department of Housing and Community Affairs.

Applicant: Any person, firm, corporation, partnership, or association, or any of these entities working in cooperation, who shall lay out for the purpose of sale or development or otherwise any subdivision or part thereof as defined in these regulations, either for himself or others.

Approval: A decision by the Planning Commission, certified by written endorsement on the Plat, that the final plan meets the requirements of these regulations. Such approval may include conditions to be met by the applicant, which shall run with the land and be applicable to future owners, and which shall be forwarded to the applicant in writing.

As-built plans: Plans or drawings reflecting the actual public or private improvements, showing actual field dimensions, locations, and other relevant information, made or installed in connection with an approved subdivision, filed with the Zoning Administrator to establish compliance with relevant conditions of the subdivision approval.

Authorized Agent: A person or group of persons who have been duly authorized, in writing filed with the Commission by the owner of record to act on his or her behalf.

Boundary Line Adjustment: Adjustments of boundary lines in which there is a sale, conveyance or exchange of land from adjacent lots which does not increase the number of parcels of land.

Buffer: A designated strip or area of land intended to visibly and/or functionally separate one use from another; to shield or block noise, lights or other nuisance from neighboring properties; and/or to lessen visual or physical impacts of development on surface waters, wetlands and other natural and scenic areas.

Certificate of Compliance: See Section 2.8(C)

Community Wastewater System: Any wastewater disposal system other than a municipal sewage disposal system, owned by the same person or persons, that disposes of sewage for domestic, commercial, industrial or institutional uses to two or more users or customers.

Community Water System: Any water system owned by the same person or persons that supplies water for domestic, commercial, industrial, or institutional uses to two or more users or customers.

Density: Ratio of dwellings to land area.

Development Envelope: A specific area delineated on a lot within which all structures are to be located, and outside of which no structures are to be located.

Developable Area: Area used for density calculation. See Table 3.1

Development Area: Area that may be impacted development activity. See Table 2.2

Driveway: A privately owned access road serving one lot or dwelling structure.

Dwelling Structure: A structure containing one or more dwelling units.

Dwelling Unit: One room or rooms connected together, constituting a separate housekeeping establishment containing independent cooking and sleeping facilities and bath facilities. A dwelling unit does not include boarding houses, bed and breakfast establishments, hotels, motels or clubs.

Two Unit Dwelling Structure means two separate dwelling units covered by a common roof system.

Multi-Unit Dwelling Structure means three or more separate dwelling units covered by a common roof system.

Final Plat: The final drawings on which the subdivision is presented to the Planning Commission for approval and which, if approved, shall be filed for record with the Town Clerk. See Section 2.5.

GIS: Geographic Information System. A computer system capable of assembling, storing, manipulating, and displaying geographically referenced information, i.e. data identified according to their locations. The Norwich GIS consists of data layers maintained by the Norwich Planning Office.

Intermediate Plan: The preliminary drawings for a major subdivision indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration. See Section 2.4.

Lot: Any parcel of land the boundaries of which are separately described in a recorded deed or filed plat. A town or state highway right-of-way constitutes a lot boundary.

Major subdivisions shall, unless otherwise determined by the Planning Commission in accordance with Section 2.3, include the division of any parcel into 4 or more lots over a 5 year period; or planned unit or planned residential development that meets the definition of a subdivision.

Minor Subdivision shall, unless otherwise determined by the Planning Commission in accordance with Section 2.3, include lot line or boundary adjustments; amendments to an approved subdivision plan that will not substantially change the nature of any previous subdivision or conditions of approval; or the division of any parcel into not more than 3 lots over a 5 year period.

Open Space: The undeveloped portion of any development parcel(s) which is not occupied by buildings, streets, rights-of-way, driveways, parking spaces, commercial recreation facilities, or yard (setback) areas, and which is set aside, dedicated, or designated for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, or for the preservation and continued use of agricultural land, or for the protection of natural areas.

Planned Residential Development (PRD): An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units in more than one dwelling structure; the plans for which do not correspond in lot size, dimensional requirements, or type of dwelling or density under the Zoning Regulations except as a planned residential development.

Planned Unit Development (PUD): An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units and commercial and/or industrial uses, if any, in which the design and development promotes the most appropriate use of the land, to facilitate the adequate and economic provision of streets, utilities, buildings, open spaces and other site features and improvements; the plans for which do not correspond in lot size, dimensional requirements, or type of use or density under the Zoning Regulations except as a planned unit development.

Plat: A plan or a map of a piece of land with actual or proposed features (as lots).

Preliminary Plan: An informal sketch of the proposed subdivision, the purpose of which is to enable the sub-divider to reach general agreement with the Planning Commission as the form of the subdivision and objective and requirements of these regulations. See Section 2.3.

Private Highway: A privately owned access road serving two or more lots or dwelling structures.

Resubdivision: Any change in a recorded subdivision plat, if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line; or if the change affects any map, plan or conditions recorded in association with the subdivision plat.

Ridgeline: A ridge top line of intersection between the opposite slopes on a range of hills or mountains.

Street: Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicular traffic and serving three or more lots.

Subdivision: Division of any lot or parcel of land, after the effective date of these regulations, into two or more lots of any size, for the purpose of conveyance, transfer of ownership, improvement, building, development, or sale. The term subdivision includes re-subdivision. Any transfer, conveyance or sale of land held in one ownership, but already divided into lots by an existing public right-of-way shall not be considered a subdivision for the purposes of these regulations.

Town Plan: The Norwich Town Plan as most recently adopted.

Wetlands: To include all wetlands identified on National Wetland Inventory (NWI) maps, wetland areas identified as “Ecologically Significant Wetlands” by the Vermont Nongame and Natural Heritage Program, and/ or wetland areas identified through site analysis to be inundated by surface or groundwater with a frequency sufficient yto support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction pursuant to the Vermont Wetland Rules.